

FILED

SEP 10 2013

Clerk, U.S. District Court
District Of Montana
Great Falls

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN LEE DENNY,

Defendant.

CR 10-31-GF-DLC

ORDER

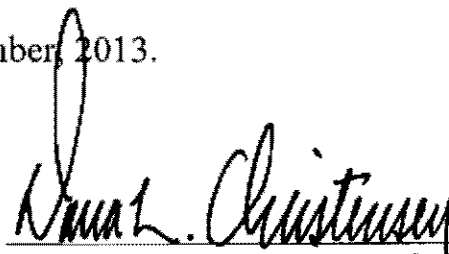
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on August 19, 2013. Defendant admitted she had violated Special Condition 1 by failing to report for drug testing, violated Standard Condition 6 by failing to report a change in residence to her probation officer, and violated Standard Condition 5 by failing to maintain employment. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months, with no supervised release to follow. No objections

were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that she violated Special Condition 1 and Standard Conditions 5 and 6. Defendant could be imprisoned up to 24 months, and could be required to serve up to 30 months on supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for 3 to 9 months imprisonment. This Court agrees that a sentence of 9 months in custody followed by no supervised release is appropriate as this is Defendant's second revocation, and she has continued to violate the conditions of her supervised release despite numerous warnings. The previous and current supervised release violations demonstrate that supervised release is not effective.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 56) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 10th day of September, 2013.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court